

**Amendments to the Drawings:**

The attached sheet of drawings includes changes to FIGs 4A, 4B, and 4C. This sheet, which includes FIGs. 4A, 4B, and 4C, replaces the original sheet. In the replacement sheet, FIGs. 4A, 4B, and 4C are amended to include reference numerals 8 and 9, respectively representing the back, or label, side of the optical medium, and the physical data layer of the optical medium.

A marked-up version of the drawings, with revisions shown in red, is included with the amended drawings. Entry of the amended drawings is respectfully requested.

Attachment: Replacement Sheet

Annotated Sheet Showing Changes

REMARKS

Claims 1-63 are pending in the present application.

The Applicants appreciate the transmission by the Office of the Advisory Action dated January 28, 2005 in the present application. In response to the Advisory Action, it is believed that the present Second Amendment After Final places the application in condition for allowance, and such allowance is respectfully requested.

With regard to the IDS filed March 25, 2003, a copy of a Supplemental Information Disclosure Statement filed on that date, along with copies of references cited therein, are attached to the present amendment. Consideration of the Information Disclosure Statement and references cited on that date is respectfully requested. The Applicants respectfully request that an initialed copy of the submitted documents be included with the next official paper transmitted by the Office as confirmation of receipt of the Information Disclosure Statement, and as confirmation of consideration of the listed references.

With regard to the Information Disclosure Statement filed on May 10, 2004 the Applicants note with appreciation that acknowledgment of the paper Information Disclosure Statement filed by mail on that date, including references BL and BM, was received by the Applicant with the Final Office Action dated November 10, 2004. However an additional Information Disclosure Statement, namely an electronic Information Disclosure Statement was also filed on May 10, 2004. A copy of the submitted electronic Information Disclosure Statement, is attached to the present amendment, for the convenience of the Examiner. The Applicants respectfully request that an initialed copy of the submitted document related to the electronic Information Disclosure Statement be included with the next official paper transmitted by the Office as confirmation of receipt of the Information Disclosure Statement, and as confirmation of consideration of the listed references.

With regard to the rejection of claims 56-63, FIGS. 4A, 4B, and 4C are amended above to include reference numerals 8 and 9 which respectively refer to the back layer (reference numeral 8) and data layer (reference numeral 9) of the optical medium. The Applicants note that reference numerals 8 and 9 added to FIG. 4 match those same reference numerals for similar features illustrated in FIG. 2 for which a description is provided at least at page 12, line 24 - page 13, line 7 of the Specification as filed. Referring to FIG. 4, distortion regions 22 and 26 are formed through the back, or label, side of the disk 8 and cause an actual change to the geometry of the data layer 9. Discussion of this feature is provided in the Specification as filed at page 14, line 26 - page 15, line 19, which is repeated below for the convenience of the Examiner.

As shown in **FIG. 4**, the distortion regions 21, 22, 24, 26, whether manufactured into the media or later provided onto a media in a post-manufacture process, yield modified media 23, 28, 31. Such modifications may take the form of a concave indentation 21 of any size in any location on the media's first surface 10, and/or may be a concave indentation 22 on the back, or label, surface 8. The first surface instance 21 affects the media's reading process by producing the appearance of distortion as discussed above. Depending on the degree of selective distortion, the process of reading may be unaffected, or slowed by a predetermined amount or percentage, or may be rendered impossible in certain locations due to the apparent corruption or destruction of the underlying data. Corruption or destruction of the underlying data is apparent, rather than actual, in the case of first surface selective distortion, in the sense that the underlying data is intact and remains correct, but the ability to read the data is reduced or eliminated utterly by the changes in the optical path due to the properties of the distortion. The back side, or label side, instance 22 actually causes real change to the geometry of the physical data and associated tracks. This change is due to the data spirals described above with reference to FIG. 8 being physically bent out of alignment from their expected horizontal plane, causing unexpected focal length and focus issues for the reading device. Such distortion is quite effective and is used sparingly in quantity of locations and degree so that the media is not rendered damaged to a degree so as to be useless. In cases where the media has available space for additional non-critical filler data, the data corresponding with the distortion regions is read, the destructive effect of the distortion regions on the data is monitored, the location of the distortion regions is verified, and the data is discarded. If no extra space for expendable data is available on the media, then lesser degrees of distortion should be chosen in the distortion regions, which can slow the reading of a data bit to a measurable degree, but not change or destroy the underlying associated data.

It is thus submitted that the specification and drawings as filed clearly illustrate and describe the feature of "...distorting a region of the data layer..." (claims 56, 58-60) and "...a distorted region formed at the data layer..." (claims 57, 61-63). It is therefore submitted that the amendments made to the drawings do not constitute new matter, nor do claims 56-63 include new matter. Accordingly, removal of the objection to the drawings and removal of the rejection of claims 56-63 are respectfully requested.

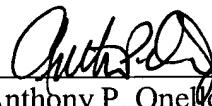
In view of the above, it is respectfully submitted that all claims are in condition for allowance, and such allowance is respectfully requested.

Closing Remarks

It is submitted that all claims are in condition for allowance, and such allowance is respectfully requested. If prosecution of the application can be expedited by a telephone conference, the Examiner is invited to call the undersigned at the number given below.

Respectfully submitted,

Date: March 9, 2005  
Mills & Onello, LLP  
Eleven Beacon Street, Suite 605  
Boston, MA 02108  
Telephone: (617) 994-4900, Ext. 4902  
Facsimile: (617) 742-7774  
J:\ECD\0004\AAF-2\amendments.wpd

  
\_\_\_\_\_  
Anthony P. Onello, Jr.  
Registration Number 38,572  
Attorney for Applicant



Annotated Sheet Showing Changes

FIG. 4A

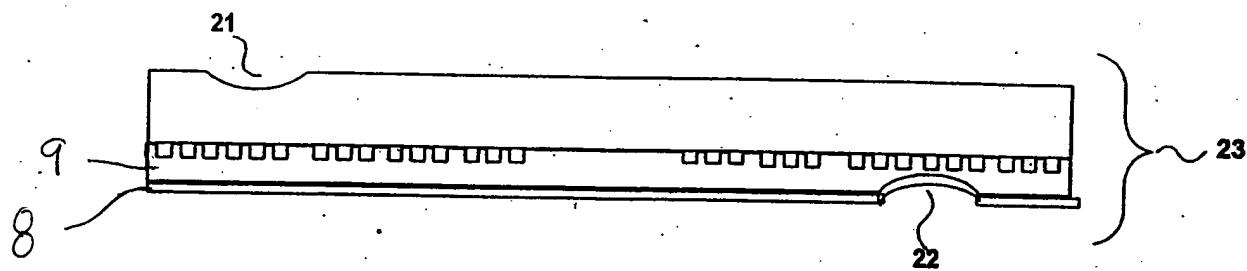


FIG. 4B

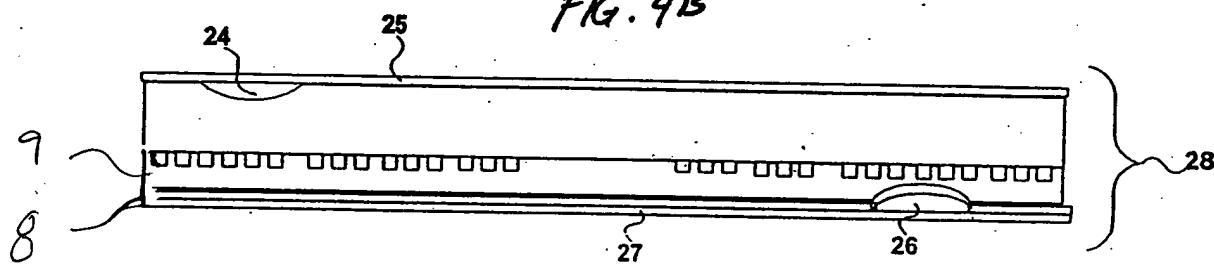


FIG. 4C

